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August 19, 2023

**VIA ECF**

Honorable Dale E. Ho  
United States District Court  
Southern District Court of New York  
500 Pearl Street,  
New York, New York 10007

**Re: Wynne et al.. v. The City of New York**  
**23-CV-09955 (DEH)**

Dear Judge Ho,

We represent Defendant in the above-referenced case and write on behalf of both Parties pursuant to Your Honor's April 25, 2024 Order (Dkt. 41) and Rule 2(e) of Your Honor's individual Rules and Practices, detailing the compelling circumstances for which the Parties respectfully request to attend a settlement conference before Magistrate Judge Gorenstein. The Parties are available for mediation on any of the following dates, or another mutually acceptable date for the Parties and Magistrate Judge Gorenstein: October 28, 29, 30<sup>th</sup> and November 1, of 2024.<sup>1</sup>

To provide a brief summary of the events to date, Defendant produced all CityTime and FISA data to Plaintiffs by June 7, 2024. Plaintiffs sent Defendant its written settlement demand on June 14, 2024. Defendant's expert was then given Plaintiffs' demand along with Plaintiffs' supporting calculations. Since Plaintiffs' demand is significant, it has taken Defendant's expert time to assess the calculations and for Defense Counsel to make a settlement recommendation to the City of New York.

The City of New York has a specific process it must follow to obtain settlement authority, and there are numerous individuals involved in this process, from the Department of Sanitation, the Office of Corporation Counsel and ultimately the City's Office of the Comptroller. As of today's date, the various entities within the City of New York are still in the process of authorizing

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<sup>1</sup> While the Parties have been referred to the District's mediation program through the pilot program for FLSA cases, both Parties believe it would be more effective to proceed with a settlement conference before Magistrate Judge Gorenstein.

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settlement authority, which is a prerequisite before participating in a meaningful mediation or settlement conference.

The Parties are fully committed to engaging in the early settlement process and having fruitful settlement discussions. As such, to ensure the Parties can attend the settlement conference with full range of authority from their clients, we respectfully request until November 1, 2024 to participate in mediation. If the settlement conference is unsuccessful, the Parties are ready to move forward with litigation and have attached a case management plan to this letter as Exhibit A.<sup>2</sup>

This is the Parties' third request for an adjournment of mediation. The previous requests were granted.

We thank the Court for its attention to this matter.

Respectfully Submitted,

JACKSON LEWIS P.C.

*/s Adam S. Gross*

Adam S. Gross, Esq.

cc: All counsel (via ECF)

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<sup>2</sup> All dates in the proposed Case Management Plan extend from November 1, 2024, as that is the latest date requested for a settlement conference before Magistrate Judge Gorenstein. Additionally, while the Court's rules require fact discovery be complete within 120 days, both Parties agree that given the size of this case, a six-month fact discovery period is more realistic.